

GENERAL ORDINANCE NO. G- 04-73

An Ordinance amending the Plumbing Ordinance of the City of Fort Wayne, Indiana, Chapter 39 of the Municipal Code, by deleting Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 22, and 27, and by adding thereto sections for registering plumbing contractors licensed by the Indiana Plumbing Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WAYNE, INDIANA.

SECTION 1. It is the purpose of this ordinance to bring the Plumbing Ordinance of the City of Fort Wayne, Indiana, into compliance with the Statutes of the State of Indiana, adopted in 1971, which provide for an Indiana Plumbing Commission and the issuance of licenses by said Commission to all plumbing contractors, journeymen plumbers and certificates of registration to all apprentice plumbers in the State of Indiana, the only function now authorized for cities and other political subdivisions of the State by said legislation with regard to the qualifications of plumbers being the registration of plumbing contractors as duly licensed by the Indiana Plumbing Commission.

SECTION 2. Chapter 39 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by removing therefrom the following sections:

- Section 4. Board of Examiners.
- Section 5. Meeting of Boards; Examinations.
- Section 6. License Required.
- Section 7. Applications and Qualifications of Master Plumbers.
- Section 8. Same - Failure of Examinations.
- Section 9. Same - Definitions.
- Section 10. Same - Fees.
- Section 11. Same - Licenses for Firms, Combinations or Corporations.
- Section 12. Same - Term of License.
- Section 13. Same - Performance and Indemnity Bond.
- Section 14. Application and Qualifications of Journeymen Plumbers.
- Section 15. Same - Definitions.
- Section 17. Unlawfully Securing Permits for Others.
- Section 22. Revocation of License.
- Section 27. Penalties.

SECTION 3. Chapter 39 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding thereto the following to replace those sections deleted by this Ordinance:

SECTION 4. Registration Required

It shall be unlawful for any person, firm, co-partnership, association, or corporation to act in the capacity of a plumbing contractor in the City of Fort Wayne, Indiana, without first obtaining a license from the Indiana Plumbing Commission as a plumbing contractor and without registering with the Building Commissioner of the City of Fort Wayne as provided in Chapter 37 Section 109.3.2 following the issuance of said State license.

SECTION 5. Same - Definitions.

Plumbing contractors, as designated in this Chapter shall mean any persons, firms, co-partnerships, associations, or corporations, who, for compensation, undertake to, or submit a bill to, or does himself or itself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing as said term is defined by the Statutes of the State of Indiana, and who is responsible for substantially all the plumbing within the entire project or one who fabricates units of plumbing substantially completed and ready for installation.

License, as designated in this Chapter, shall mean a certificate issued by the Indiana Plumbing Commission which confers upon the holder a privilege to act as a plumbing contractor within the State of Indiana.

SECTION 6. Certificate not Transferable.

A Certificate of Registration issued by the Building Commissioner is not transferable. No registered plumbing contractor shall act as the agent for a plumber who has not obtained a Certificate of Registration and a plumbing contractor's license from the Indiana Plumbing Commission. A violation of this rule will be deemed a sufficient reason by the Building Commissioner of the City for the cancellation of a new Certificate of Registration.

SECTION 7. Unlawfully Securing Permits for Others.

Any person registered as required by this Chapter, who shall take out or secure a permit such as required by this Chapter for work to be done by any person not connected with

such registered person nor in the employ of such person, or who shall allow his or its name to be used by any other person, firm, co-partnership, association, or corporation for the purpose either of doing any such work or obtaining permit therefor, shall upon such act, upon conviction thereof, forthwith forfeit his Certificate of Registration, and the Building Commissioner and Chief Plumbing Inspector, Board of Public Health, or either of them, shall thereafter refuse to issue any further permits to construct, install, alter or repair any plumbing or plumbing equipment under any Certificate of Registration so forfeited.

Section ⁸11. Revocation of Certificate of Registration.


The Board of Public Health of the City shall be empowered to revoke the Certificate of Registration of any plumbing contractor where the provisions of this Code have been violated, upon charges brought by the Building Commissioner.

Section ⁷12. Penalties and Certification to Indiana Plumbing Commission.

Any person registered under the provisions of this Code, or any person including owners of and agents for, real estate being improved by work governed by the provisions of this Chapter who shall violate any of the provisions of this Chapter or fail to comply with any of such provisions, shall be subject, upon conviction thereof, to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for the first offense; and for the second and each subsequent offense thereafter not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). If any plumbing contractor should fail to obtain a Certificate of Registration or any annual renewal thereof as provided in this Chapter that fact shall be certified by the Building Commissioner to the Indiana Plumbing Commission for any action it deems necessary.

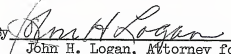
SECTION ¹⁰A. If any part, parts, section, sections, provision, clause or portion of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Ordinance as a whole or of any other part, section, clause, provision, or portion of this Ordinance.

SECTION ¹¹B. This Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.


Councilman

Approved as to form and legality

this ^{13th}13th day of January, 1973.

By 
John H. Logan, Attorney for the
Common Council



Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 2/13/73

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Stier, and duly adopted, placed on its passage. Passed (~~POST~~) by the following vote:

	AYES <u>6</u>	NAYS <u>1</u>	ABSTAINED <u>0</u>	ABSENT <u>2</u> to-wit:
BURNS	_____	<input checked="" type="checkbox"/>	_____	_____
HINGA	_____	_____	_____	<input checked="" type="checkbox"/>
KRAUS	_____	_____	_____	<input checked="" type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	_____	_____	_____
MOSES	<input checked="" type="checkbox"/>	_____	<input checked="" type="checkbox"/>	_____
SCHMIDT, D.	<input checked="" type="checkbox"/>	_____	_____	_____
SCHMIDT, V.	<input checked="" type="checkbox"/>	_____	_____	_____
STIER	<input checked="" type="checkbox"/>	_____	_____	_____
TALARICO	<input checked="" type="checkbox"/>	_____	_____	_____

Date: 2-27-73

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. B-04-73 on the 27th day of February, 1973.

ATTEST:

(SEAL)

Charles W. Westerman
CITY CLERK

W. J. Hall
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of February, 1973, at the hour of 7:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 5th day of March, 1973, at the hour of 4:30 o'clock P. M., E.S.T.

Earl A. DeBorja
MAYOR

Bill No. G-73-02-10

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the Plumbing Ordinance of the City of Fort Wayne,
Indiana, Chapter 39 of the Municipal Code, by deleting
Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 22, and
27, and by adding thereto sections for registering plumbing
contractors licensed by the Indiana Plumbing Commission

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

John Muckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Muckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns
D. J. Schmidt

CONCURRED IN
DATE 2-27-73 CHARLES W. WESTERMAN, CITY CLERK

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney David B. Keller

From: (Name, Title & Department) Building Commissioner

Approved by J. D. Boswell, Board of Works
(Person authorized to forward legal work)

Date: 2-12-73

Subject: Adding Sections for Registering Plumbing Contractors
(File subject designation)

File # Assigned by Records Librarian

3057

Date: 2-12-73

Action Requested: Passage in order to conform with New State

Plumbing Code.

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

DIGEST SHEET

TITLE OF ORDINANCE Plumbers Registration Ordinance

DEPARTMENT REQUESTING ORDINANCE Building Department

SYNOPSIS OF ORDINANCE State Law has been enacted providing for State License

of Plumbers, Plumber Journeyman, and Plumber Apprentice in the State of Indiana.

The law provides that municipalities cannot license any holder of State Licenses.

However, it provides that municipalities require a registration of all plumbers and

charge a reasonable fee therefor. Therefore, the present license ordinance for

plumbers should be repealed and a new license for registration should be enacted

including fees to be charged, which we have discussed with Mr. Blume.

EFFECT OF PASSAGE Will enable Building Department to require registration

of all plumbers doing work in the City in order to police activities and inspect their
work.

EFFECT OF NON-PASSAGE Building Department can not require registration of

Plumbers and existing license and fee laws on Plumbers will be unenforcible because
they are contrary to the State Statute.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Cost: Small amount of

time required by office personnel to write registration receipts and some small amount

of time by Plumbing Inspector to police violators. Savings: Will provide for

registration fees which will offset entire cost of registering.

ASSIGNED TO COMMITTEE (Y.N.) _____

DIGEST SHEETTITLE OF ORDINANCE Amending Plumbing Ordinances to register Plumbing Contractors.DEPARTMENT REQUESTING ORDINANCE Building DepartmentSYNOPSIS OF ORDINANCE State law now licenses plumbing contractors. Thisordinance provides means of annually registering by BuildingCommission of Fort Wayne of all licensed plumbing contractors.EFFECT OF PASSAGE Conformance to State Law.EFFECT OF NON-PASSAGE Non conformance to State Law.MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Annual RegistrationFeesASSIGNED TO COMMITTEE (PRESIDENT) Regulations

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	<i>Y-73-02-10</i>
ORDINANCE NO.	<i>Y-04-73</i>
<input checked="" type="checkbox"/> REGULAR SESSION	<i>2-13-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Killed</i>
BILL WRITTEN BY	<i>Building Dept.</i>
DATE INTRODUCED	<i>2-13-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Referred</i>
REFERRED TO CITY PLAN	<i>Regulations</i>
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

*Original Check.
Request for action.*

COUNCILMAN'S VOTE

	<i>6</i> AYES	<i>1</i> NAYS	<i>2</i> ABSENT
BURNS		X	
HINGA			X
KRAUS			X
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS: